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8	BEFORE THE BOARD OF REGISTERED NURSING	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	STATE OF C	CALIFURNIA
10	In the Matter of the First Amended Accusation Against:	Case No. 2011-999
12	PAUL STEVEN JUAN	•
13	15533 Ermanita Avenue Gardena, CA 90249	FIRST AMENDED ACCUSATION
14	Registered Nurse License No. 724472	
15	Respondent.	
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.17	Complainant alleges:	
18	<u>PARTIES</u>	
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this First Amended Accusation	
20	solely in her official capacity as the Executive Officer of the Board of Registered Nursing	
21	(Board), Department of Consumer Affairs.	
22	2. On or about April 9, 2008, the Board issued Registered Nurse License Number	
23	724472 to Paul Steven Juan (Respondent). The Registered Nurse License was in full force and	
24	effect at all times relevant to the charges brought herein and will expire on December 31, 2011,	
25	unless renewed.	
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JURISDICTION

3. This First Amended Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
 - 6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."
- 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
 - 8. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

- "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.
 - "(b) Failure to comply with any mandatory reporting requirements.
 - "(c) Theft, dishonesty, fraud, or deceit.
- "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."
- 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Substantially-Related Conviction)

- 10. Respondent is subject to disciplinary action under Code sections 490 and 2761, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that he was convicted of a crime substantially related to the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:
 - a. On or about March 30, 2011, in criminal proceeding entitled *People of the State of California vs. Paul Steven Juan*, in the Los Angeles Superior Court, Case Number YA077923, pursuant to his plea of nolo contendere, Respondent was convicted of one count of violating Penal Code section 261.5(D) attempted unlawful sexual intercourse with a minor by an adult, a misdemeanor. Respondent was sentenced to 60 days in jail, placed on three-year summary probation, ordered to perform 120 days of community service, and 52 weeks of sex counseling, among others. The circumstances surrounding the conviction are that on or about April 29, 2010, Respondent was arrested by the police when he arrived at a fast food restaurant to meet a fourteen year-old female he had met on-line with the intent to commit a sexual offense.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 724472, issued to Paul 1. Steven Juan;
- Ordering Paul Steven Juan to pay the Board of Registered Nursing the reasonable 2. costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 3. Taking such other and further action as deemed necessary and proper.

Executive Officer

Board of Registered Nursing

Department of Consumer Affairs

State of California Complainant

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